

1507 - 21st Street, Suite 330  
Sacramento, California 95811  
Telephone: (916) 445-1888  
Contact Person: Holly Victor  
[www.nmvb.ca.gov](http://www.nmvb.ca.gov)

STATE OF CALIFORNIA  
NEW MOTOR VEHICLE BOARD

**A G E N D A**  
**GENERAL MEETING**

New Motor Vehicle Board  
The William G. Brennan Hearing Room  
1507 21<sup>st</sup> Street, Suite 330  
Sacramento, California 95811

April 10, 2019

Please note that Board action may be taken regarding any of the issues listed below. As such, if any person has an interest in any of these issues, he or she may want to attend.

The Board provides an opportunity for members of the public to comment on each agenda item before or during the discussion or consideration of the item as circumstances permit. (Gov. Code § 11125.7) However, comments by the parties or by their counsel that are made regarding any proposed decision, order, or ruling must be limited to matters contained within the administrative record of the proceedings. No other information or argument will be considered by the Board. Members of the public may not comment on such matters.

1. **10:30 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Presentation of Resolution to Jean Shiimoto, former Director, Department of Motor Vehicles.**
5. **Discussion and consideration of Respondent's challenge to Dealer Board Member participation and consideration of this petition pursuant to Section 551.1 of Title 13 of the California Code of Regulations.**

CALIFORNIA NEW CAR DEALERS ASSOCIATION v. VOLVO GROUP NORTH AMERICA LLC aka VOLVO CAR USA, LLC  
Petition No. P-460-19

Discussion and consideration of Respondent's challenge to Dealer Board Member participation in this Petition pursuant to Section 551.1 of Title 13 of the California Code of Regulations, by the Public Members of the Board.

**6. Oral Presentation before the Public Members of the Board.**

VALLEJO CJD, LLC, a California Limited Liability Company v. FCA US LLC, a Delaware Limited Liability Company

Protest Nos. PR-2589-18, PR-2590-18, PR-2591-18, and PR-2592-18

FAIRFIELD CJD, LP, a California Limited Partnership v. FCA US LLC, a Delaware Limited Liability Company

Protest Nos. PR-2593-18, PR-2594-18, PR-2595-18, and PR-2596-18

**7. Closed Executive Session deliberations.**

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board convenes in closed Executive Session to deliberate the decisions reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Pursuant to Government Code section 11517(c)(2), the Board could adopt the proposed decision, make technical or other minor changes, reject the proposed decision and remand the case, or reject the proposed decision and decide the case upon the record.

**Consideration of Proposed Order.**

VALLEJO CJD, LLC, a California Limited Liability Company v. FCA US LLC, a Delaware Limited Liability Company

Protest Nos. PR-2589-18, PR-2590-18, PR-2591-18, and PR-2592-18

FAIRFIELD CJD, LP, a California Limited Partnership v. FCA US LLC, a Delaware Limited Liability Company

Protest Nos. PR-2593-18, PR-2594-18, PR-2595-18, and PR-2596-18

Consideration of the Administrative Law Judge's "Proposed Order Granting Respondent's 'Motion to Dismiss Protests or, in the Alternative, for a Finding of Good Cause to Terminate Based on Uncontested Evidence,'" by the Public Members.

**8. Open Session.**

**9. Approval of the Minutes from the January 24, 2019, General Meeting.**

10. **Consideration of presentation of Resolution to David C. Lizárraga, former Public Member.**
11. **Appointment of Committee members to the Administration Committee, Board Development Committee, Fiscal Committee, Government and Industry Affairs Committee, and Policy and Procedure Committee, by the Board President.**
12. **Discussion concerning pending legislation - Executive Committee.**
  - a. Pending Legislation of Special Interest: Assembly Bill 179 (Assembly Member Reyes)
  - b. Pending Legislation of General Interest: Assembly Bill 380 (Assembly Member Frazier)
  - c. Pending Federal Legislation of General Interest: None
13. **Review and consideration of Board delegations in compliance with the 1996 Performance Audit conducted by Business, Transportation & Housing Agency - Executive Committee.**
14. **Annual update on training programs attended by staff - Administration Committee.**
15. **Board member education concerning changes to the Administrative Procedure Act, Bagley-Keene Open Meeting Act, Political Reform Act, and Public Records Act - Board Development Committee.**
16. **Status report for the 2<sup>nd</sup> quarter of fiscal year 2018-2019 and vehicle sales estimates from calendar year 2018 - Fiscal Committee.**
17. **Consideration of proposed regulations amending Sections 550 (definition of “party” or “parties”) and 551.12 (Notice of Assignment of Administrative Law Judges; Peremptory Challenges) of Title 13 of the California Code of Regulations - Policy and Procedure Committee.**
18. **Consideration of proposed regulation amending the Board’s Conflict of Interest Code in Section 599 of Title 13 of the California Code of Regulations - Policy and Procedure Committee.**
19. **Executive Director's Report.**
  - A. Administrative Matters.
  - B. Case Management.
  - C. Judicial Review.
  - D. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
  - E. Other.

20. **Closed Executive Session.**

Pursuant to Government Code section 11126(a)(1), all members of the Board shall convene in a closed Executive Session.

**Consideration of annual performance review for Executive Director - Executive Committee.**

21. **Open Session.**

22. **Public Comment. (Gov. Code § 11125.7)**

23. **Adjournment.**

To request special accommodations for persons with disabilities at this or any future Board meeting or to request any accommodation for persons with disabilities necessary to receive agendas or materials prepared for Board meetings, please contact Holly Victor at (916) 445-1888 or [Holly.Victor@NMVB.CA.GOV](mailto:Holly.Victor@NMVB.CA.GOV).